

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 22-335(1) (DWF/DJF)

Plaintiff,

v.

ORDER

Gerardo Sanchez-Acuna,

Defendant.

On June 26, 2023 the Court issued a Writ of Habeas Corpus Ad Prosequendum (Doc. No. 65), that respectfully ordered the United States Marshal to produce the above-named Defendant Gerardo Sanchez-Acuna before the Court on his pending felony charges of Conspiracy to Distribute 50 grams or more of Actual Methamphetamine and Distributing 50 grams or more of Actual Methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A).

This matter will be set for trial for some time in November or early December of 2023. Pursuant to the Writ of Habeas Corpus that the Court entered on June 26, 2023, it specified that at the appropriate time the Defendant could be returned to the custody of the Immigration and Customs Enforcement (“ICE”) so that pending trial, the Defendant could file a Motion to Stay his Removal in Immigration Court, which the Court has been informed he could not do unless he was in the custody of ICE.

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. Defendant's Motion to Dismiss and/or Reconsideration of Detention (Doc. No. [86]) is **DENIED IN PART** and **GRANTED IN PART**.
 - a. Defendant's Motion to Dismiss is **DENIED**.
 - b. Defendant's Motion to Reconsider Detention is **GRANTED TO THE EXTENT** that pursuant to this ORDER, the Court directs that the United States Marshal notify ICE that as of the date and time of this Order, the Defendant is now in the custody of ICE. The Defendant is currently housed at the Sherburne County Jail and the Court has confirmed there is an ICE detainer on Gerardo Sanchez-Acuna.
2. The Court also respectfully directs that the parties keep the Court informed as to the procedural status of any motions filed to stay his removal in Immigration Court and his custodial status.
3. Once this matter is set for further proceedings the United States Attorney's Office is requested to facilitate a Writ for the appearance of the Defendant.

Dated: September 8, 2023

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge